

EXHIBIT 1

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**DEMOCRATIC PARTY OF VIRGINIA,
Plaintiff,**

v.

No. 3:21-cv-671

**FRANK NEAL, in his official capacity as the
South Atlantic Division Manager for the United
States Postal Service, GERALD ROANE, in his
official capacity as Virginia District Manager
of the United States Postal Service,
Defendants.**

DECLARATION OF BENJAMIN FARMER III

I, Benjamin Farmer III, under penalty of perjury and in lieu of affidavit as permitted by 28 U.S.C. § 1746, state as follows:

1. I am currently employed by the United States Postal Service as Business Service Network Specialist for the Atlantic Area and am detailed as the Acting Atlantic Area Political and Election Mail Coordinator. I am based in Richmond, Virginia.
2. I have worked for the Postal Service for over 22 years. I began as a part-time flex flat sorter operator in Norfolk, VA and have held many other positions since then, including roles in delivery and processing operations, and as Postmaster of Williamsburg, VA. I have been in field customer relations management since 2013, which has included responsibilities related to Election Mail Coordination.
3. This declaration is based on my personal knowledge, as well as information conveyed to me by other knowledgeable Postal Service personnel in the course of my official duties and responsibilities.

4. In my current position, I am responsible for fostering the working relationship between the State Board of Elections and the Postal Service's District Political and Election Mail Coordinators. This entails regularly scheduled touchpoints, as well as unscheduled calls with Commonwealth and Local Election Officials, including those throughout Virginia, to address any potential Election Mail issues.
5. We communicate with Virginia Election Officials on a regular basis. Since September 16, 2021, we have had scheduled calls with members of the Virginia Department of Elections, as well as additional routine communication regarding the current election cycle.
6. We work with Election Officials as questions or issues arise. Any issues identified this year have been resolved promptly, and none of them significant (i.e., any issues have involved 50 ballots or fewer).
7. The Postal Service uses a program called electionmail.org for state and local officials to submit complaints online for further handling by the Postal Service to resolve issues as they arise. There have been no submissions to electionmail.org that support the plaintiff's allegations in this case regarding the number of unscanned ballots in Albemarle County and the City of Portsmouth, nor have we received any communications from the relevant Boards of Election regarding the same.
8. The District Election Mail Coordinator spoke with the Portsmouth Board of Elections on October 25, 2021, who reported that the office had no concerns about Postal Service performance and that ballots are being returned by voters with more frequency each day, consistent with the timing from previous election cycles.
9. I spoke with the Albemarle County Board of Elections on October 25, 2021, and they did not raise any concerns about the scanning rates.

10. There was an issue reported in electionmail.org regarding ballots in Albemarle County at the start of October. A few ballots were returned to the Registrar's office, rather than being sent to the intended voter recipients, with no indication that they had entered the mailstream. The Postal Service coordinated with the Registrar and the ballots were immediately entered into the processing network for delivery. No further recurrence was been reported.
11. Consistent with our practice during previous elections, on September 17, 2021, we implemented our daily "all clear" processes in our mail processing plants in Virginia and on October 13, 2021 in our retail and delivery units, e.g., Post Offices, in Virginia. This is a process where facilities certify, on a daily basis, that their unit is clear of all Political & Election mail committed for delivery that day. This involves checking carrier cases, clerk distribution cases, staging areas, the dock(s), the window area, all delivery vehicles, all processing areas and trailers for Election and Political Mail. This process would identify if ballots are "sitting" in facilities, as plaintiff alleges. That is not the case.
12. The processing plants and retail and delivery facilities, e.g., Post Offices, that serve Portsmouth and Albemarle County all certified that their facilities were all-clear of ballots committed for delivery on October 25, 2021. If, as plaintiff alleges, there were ballots "sitting unscanned" in these facilities, those ballots would have been identified during the all-clear process.
13. We have had conversations with the Virginia Department of Elections regarding a mismatch between our understanding of actual mailflow and Ballot Scout/Democracy Works' interpretation of our scanning data. Ballot Scout/Democracy Works is a third-party service provider used by the Virginia State Department of Elections to track ballots. These conversations have included efforts to coordinate between the Postal Service

(including our In-Plant Support professionals), Elections Officials, and Ballot Scout/Democracy Works to determine the source of the mismatch.

14. I am aware of issues with the reporting scan data by Ballot Scout/Democracy Works from previous elections and from the current election, including when that data was inconsistent with actual mailflow.

15. For example, I am aware of instances in previous elections where Ballot Scout/Democracy Works reported that ballots were lost, but voters indicated that the ballots were still in their homes, as they had not yet completed and returned the ballots. Conversely, ballots have been confirmed by Ballot Scout/Democracy Works as returned to Election Officials when voters have not yet completed and returned the ballot.

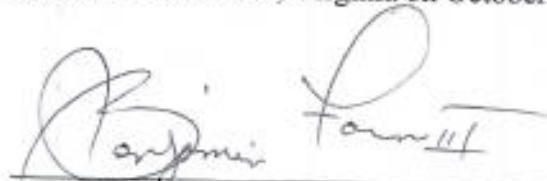
16. We also recently resolved an issue with scan data from James City County. Based on Ballot Scout/Democracy Works data shared with us by the State Board of Elections, from October 8, 2021, showed that 60 percent of ballots were not scanned; on October 19, 2021, that rate was reduced to 25.79 percent; on October 25, 2021, that rate was reduced to 6.7 percent of ballots without a scan. This significant reduction was primarily due to human error, where Democracy Works was reporting more ballots than were actually presented to the Postal Service. This changed the total number, which changed the scan rate.

17. To my knowledge, ballots in Virginia are being sent via First-Class Mail by the local registrars' offices, and the ballot envelopes contain the Postal Service's official Election Mail logo.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed in Richmond, Virginia on October 26, 2021



Benjamin Farmer III